

RECEIVED
SDNY PRO SE OFFICE
2016 AUG 18 AM 9:34

Sumanta Banerjee
58/1 Ballygunje Cir Rd
Kolkata-19 West Bengal
India

Hon. Judge Laura Swain Taylor
U.S District Court of the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Sadis & Taylor vs. Banerjee, Docket No. 14-cv-00913

Dear Hon. Judge Taylor

I write in reference to the above case where I am the Defendant. The Plaintiff is requesting leave to file a sur-reply. This is yet another attempt by the Plaintiff to try and mislead the Court by claiming that I have filed new arguments in my docket entry of August 10th, 2016. The Federal Rules of Civil Procedure Rule 55 (c) deals with the Motion to Set Aside Default and FRCP Rule 60(b) deals with the vacating of the default--these are the two motions made in the DE of 7/28/16 and 8/10/16, please see exhibit 1: a copy of the docket report page. I only expounded further in DE 65 in response to the Plaintiff baseless and meritless arguments. There are no new arguments presented and as such the Court should not allow the Plaintiff the opportunity to file a sur-reply.

I would like to draw attention to the fact that my car registration and insurance was included to demonstrate to the Court that my current and permanent address is indeed the address that I have maintained since 2009 and onwards; during the relevant period of Nov 2013 until April 2015, I maintain that my address has been and continues to be the address listed in this case. I would further like to point out that the U.S. District of Mass. Court used the same address for all its communication, via mail, to me. Please see exhibit 2, docket cover sheet from the case of 2012. The Plaintiff has misled the Court about my address, as it has not changed since 2009, as evidenced by the docket report of the cases with the Mass. Court. Furthermore, the Plaintiff has also tried to mislead the court by falsely representing to Your Honor, that sbaner@gmail.com was the electronic address of the Mass, court used in the most recent Mass. litigation—case number 12-cv-11643-LTS, when in fact it was gandhibanerjee@gmail.com (please see exhibit 2).

Additionally, I would be harmed as a pro se litigant if the Plaintiff was allowed to file a sur-reply as I would not have the final word as the movant as per FRCP motion practice.

Respectfully submitted,

Sumanta Banerjee

Sumanta Banerjee

8/16/2016

EXHIBIT 1

CLOSED,ECF,PRO-SE,RELATED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:14-cv-00913-LTS**

Sadis & Goldberg, LLP v. Banerjee
Assigned to: Judge Laura Taylor Swain
Related Case: 1:13-cv-07355-LTS
Cause: 28:1332bc Diversity-Breach of Contract

Date Filed: 02/13/2014
Date Terminated: 04/28/2015
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Sadis & Goldberg, LLP

represented by **Michelle Nicole Tanney**
Sadis & Goldberg
551 Fifth Avenue
21st Floor
New York, NY 10176
(212)-573-6672
Fax: (212)-573-6673
Email: mtanney@bakerlaw.com
TERMINATED: 07/13/2016
LEAD ATTORNEY

Please see pg 9/11.

DE 48

Ben Hutman
Boies, Schiller & Flexner LLP
(Armonk)
333 Main Street
Armonk, NY 10504
(914)-749-8323
Email: bhutman@sglawyers.com
ATTORNEY TO BE NOTICED

Douglas R Hirsch
Sadis & Goldberg
551 Fifth Avenue
21st Floor
New York, NY 10176
212-947-3793
Fax: 212-947-3796
Email: dhirsch@sglawyers.com
ATTORNEY TO BE NOTICED

Jennifer Amy Rossan
Sadis & Goldberg
551 Fifth Avenue
21st Floor

New York, NY 10176
 212-947-3793
 Fax: 212 947-3796
 Email: jrossan@sglawyers.com
ATTORNEY TO BE NOTICED

Paulina Stamatelos
 Sadis & Goldberg
 551 Fifth Avenue
 21st Floor
 New York, NY 10176
 (212)-573-6675
 Email: pstamatelos@sglawyers.com
TERMINATED: 07/13/2016

V.

Defendant**Sumanta Banerjee**

represented by **Sumanta Banerjee**
 58/1 Ballygunje Circular Rd.
 Kolkata-19
 West Bengal
 India
 PRO SE

Date Filed	#	Docket Text
02/13/2014	<u>1</u>	CIVIL COVER SHEET filed. (cde) (Entered: 02/19/2014)
02/13/2014	<u>2</u>	COMPLAINT against Sumanta Banerjee. (Filing Fee \$ 350.00, Receipt Number 465401087595) Document filed by Sadis & Goldberg, LLP.(cde) (mqu). (Entered: 02/19/2014)
02/13/2014		SUMMONS ISSUED as to Sumanta Banerjee. (cde) (Entered: 02/19/2014)
02/13/2014		CASE REFERRED TO Judge Laura Taylor Swain as possibly similar to 1:14-cv-913. (cde) (Entered: 02/19/2014)
02/13/2014		Case Designated ECF. (cde) (Entered: 02/19/2014)
02/19/2014		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney DOUGLAS HIRSCH for noncompliance with Section 14.3 of the S.D.N.Y. Electronic Case Filing Rules & Instructions. E-MAIL the PDF for Document <u>2</u> Complaint to: caseopenings@nysd.uscourts.gov. (cde) (Entered: 02/19/2014)
02/20/2014	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Sadis & Goldberg, LLP.(Hirsch, Douglas) (Entered: 02/20/2014)
02/28/2014	<u>4</u>	

		INITIAL CONFERENCE ORDER: Initial Conference set for 5/16/2014 at 10:15 AM in Courtroom 17C, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain, and as further set forth in this document. (Signed by Judge Laura Taylor Swain on 2/27/2014) (cd) (Entered: 02/28/2014)
02/28/2014		CASE ACCEPTED AS RELATED. Create association to 1:13-cv-07355-LTS. Notice of Assignment to follow. (pgu) (Entered: 02/28/2014)
02/28/2014		NOTICE OF CASE REASSIGNMENT to Judge Laura Taylor Swain. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 02/28/2014)
02/28/2014		Magistrate Judge Andrew J. Peck is so designated. (pgu) (Entered: 02/28/2014)
02/28/2014	<u>5</u>	INITIAL CONFERENCE ORDER: Initial Conference set for 5/16/2014 at 10:15 AM in Courtroom 17C, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain as further set forth in this order. (Signed by Judge Laura Taylor Swain on 2/27/2014) (lmb) (Entered: 02/28/2014)
03/14/2014	<u>6</u>	CERTIFICATE OF SERVICE of Initial Conference Order served on Sumanta Banerjee on March 12, 2014 & March 14, 2014. Service was made by MAIL (Email & FedEx). Document filed by Sadis & Goldberg, LLP. (Hirsch, Douglas) (Entered: 03/14/2014)
05/07/2014	<u>7</u>	ENDORSED LETTER addressed to Judge Laura Taylor Swain from Paulina Stamatelos dated 5/6/2014 re: We represent the Plaintiff in the above-referenced matter. I write to request an adjournment of the initial conference currently scheduled for May 16, 2014, at 10:15 a.m. ENDORSEMENT: The request is granted. The initial pretrial conference is adjourned to June 27, 2014 at 9:45 a.m. So ordered. (Initial Conference set for 6/27/2014 at 09:45 AM before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 5/7/2014) (rjm) (Entered: 05/07/2014)
06/12/2014	<u>8</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Serve the Foreign Defendant Through Alternative Means Under Federal Rule of Civil Procedure 4(f)(3). Document filed by Sadis & Goldberg, LLP. (Attachments: # <u>1</u> Affidavit Declaration of Paulina Stamatelos in Support of Plaintiff's Motion to Deem Service of Process Effected, # <u>2</u> Exhibit A to Rule 4(f)(3) Motion, # <u>3</u> Exhibit B to Rule 4(f)(3) Motion, # <u>4</u> Exhibit C to Rule 4(f)(3) Motion, # <u>5</u> Exhibit D to Rule 4(f)(3) Motion, # <u>6</u> Exhibit E to Rule 4(f)(3) Motion, # <u>7</u> Exhibit F to Rule 4(f)(3) Motion, # <u>8</u> Exhibit G to Rule 4(f)(3) Motion, # <u>9</u> Exhibit H to Rule 4(f)(3) Motion, # <u>10</u> Exhibit I to Rule 4(f)(3) Motion, # <u>11</u> Exhibit J to Rule 4(f)(3) Motion, # <u>12</u> Exhibit K to Rule 4(f)(3) Motion, # <u>13</u> Exhibit L to Rule 4(f)(3) Motion, # <u>14</u> Exhibit M to Rule 4(f)(3) Motion, # <u>15</u> Exhibit N to Rule 4(f)(3) Motion, # <u>16</u> Exhibit O to Rule 4(f)(3) Motion, # <u>17</u> Exhibit P to Rule 4(f)(3) Motion)(Stamatelos, Paulina) Modified on 6/13/2014 (db). (Entered: 06/12/2014)
06/12/2014	<u>9</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Support re: <u>8</u> MOTION to Serve the Foreign Defendant Through Alternative Means Under Federal Rule of Civil Procedure 4(f)(3). Document filed by Sadis & Goldberg, LLP. (Stamatelos, Paulina) Modified on 6/13/2014 (db). (Entered: 06/12/2014)

06/12/2014	<u>10</u>	CERTIFICATE OF SERVICE of Notice of Motion, Declaration, Memorandum of Law and Certificate of Service served on Sumanta Banerjee on June 12, 2014. Service was made by Email. Document filed by Sadis & Goldberg, LLP. (Stamatelos, Paulina) (Entered: 06/12/2014)
06/13/2014		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Paulina Stamatelos to RE-FILE Document <u>8</u> MOTION to Serve <i>the Foreign Defendant Through Alternative Means Under Federal Rule of Civil Procedure 4(f)(3)</i> . ERROR (S): Supporting Documents are filed separately, each receiving their own document #. (db) (Entered: 06/13/2014)
06/13/2014		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Paulina Stamatelos to RE-FILE Document <u>9</u> Memorandum of Law in Support of Motion. ERROR(S): Document linked to filing error. (db) (Entered: 06/13/2014)
06/13/2014	<u>11</u>	FIRST MOTION to Serve <i>the Foreign Defendant Through Alternative Means Under Federal Rule of Civil Procedure 4(f)(3)</i> . Document filed by Sadis & Goldberg, LLP.(Stamatelos, Paulina) (Entered: 06/13/2014)
06/13/2014	<u>12</u>	MEMORANDUM OF LAW in Support re: <u>11</u> FIRST MOTION to Serve <i>the Foreign Defendant Through Alternative Means Under Federal Rule of Civil Procedure 4(f)(3)</i> . Document filed by Sadis & Goldberg, LLP. (Stamatelos, Paulina) (Entered: 06/13/2014)
06/13/2014	<u>13</u>	DECLARATION of Paulina Stamatelos in Support re: <u>11</u> FIRST MOTION to Serve <i>the Foreign Defendant Through Alternative Means Under Federal Rule of Civil Procedure 4(f)(3)</i> .. Document filed by Sadis & Goldberg, LLP. (Attachments: # <u>1</u> Exhibit A to Rule 4(f)(3) Motion, # <u>2</u> Exhibit B to Rule 4(f)(3) Motion, # <u>3</u> Exhibit C to Rule 4(f)(3) Motion, # <u>4</u> Exhibit D to Rule 4(f)(3) Motion, # <u>5</u> Exhibit E to Rule 4(f)(3) Motion, # <u>6</u> Exhibit F to Rule 4(f)(3) Motion, # <u>7</u> Exhibit G to Rule 4(f)(3) Motion, # <u>8</u> Exhibit H to Rule 4(f)(3) Motion, # <u>9</u> Exhibit I to Rule 4(f)(3) Motion, # <u>10</u> Exhibit J to Rule 4(f)(3) Motion, # <u>11</u> Exhibit K to Rule 4(f)(3) Motion, # <u>12</u> Exhibit L to Rule 4(f)(3) Motion, # <u>13</u> Exhibit M to Rule 4(f)(3) Motion, # <u>14</u> Exhibit N to Rule 4(f)(3) Motion, # <u>15</u> Exhibit O to Rule 4(f)(3) Motion, # <u>16</u> Exhibit P to Rule 4(f)(3) Motion)(Stamatelos, Paulina) (Entered: 06/13/2014)
06/13/2014	<u>14</u>	CERTIFICATE OF SERVICE of motion, declaration with exhibits and memorandum of law served on Sumanta Banerjee on June 12, 2014. Document filed by Sadis & Goldberg, LLP. (Stamatelos, Paulina) (Entered: 06/13/2014)
06/23/2014	<u>15</u>	ENDORSED LETTER addressed to Judge Laura Taylor Swain from Paulina Stamatelos dated 6/23/2014 re: Adjournment of initial conference. ENDORSEMENT: The initial conference is adjourned to September 12, 2014, at 9:45 AM. SO ORDERED. (Initial Conference set for 9/12/2014 at 09:45 AM before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 6/23/2014) (ajs) (Entered: 06/23/2014)
07/03/2014	<u>16</u>	MEMORANDUM ORDER granting <u>11</u> Motion to Serve. Plaintiff may serve the Summons and Complaint and other documents in this case on Banerjee at the

		following email address, sbaner@gmail.com. This Memorandum Order resolves docket entry no. 11. (Signed by Judge Laura Taylor Swain on 7/3/2014) (cd) (Entered: 07/03/2014)
07/07/2014	<u>17</u>	CERTIFICATE OF SERVICE of the Hon. Laura Taylor Swain's July 3, 2014 Memorandum Order, Summons & Complaint with annexed exhibits, Rule 7.1 Disclosure Statement, Civil Cover Sheet, Individual Practices of the Hon. Laura Taylor Swain and Electric Case Filing Rules and Instructions served on Sumantee Banerjee on July 7, 2014. Document filed by Sadis & Goldberg, LLP. (Stamatelos, Paulina) (Entered: 07/07/2014)
09/05/2014	<u>18</u>	NOTICE OF APPEARANCE by Michelle Nicole Tanney on behalf of Sadis & Goldberg, LLP. (Tanney, Michelle) (Entered: 09/05/2014)
09/05/2014	<u>19</u>	LETTER MOTION to Adjourn Conference <i>scheduled for 9/12/2014 at 9:45 a.m. pursuant to Defendant default</i> ; addressed to Judge Laura Taylor Swain from Michelle Tanney, Esq. attorney for plaintiff. dated September 5, 2014. Document filed by Sadis & Goldberg, LLP. Return Date set for 9/12/2014 at 09:45 AM.(Tanney, Michelle) (Entered: 09/05/2014)
09/08/2014	<u>20</u>	MEMO ENDORSED ORDER granting <u>19</u> Letter Motion to Adjourn Conference. ENDORSEMENT: The initial conference is adjourned to December 5, 2014, at 10:15 AM, and an order regarding default judgment motion practice will be issued. SO ORDERED. Initial Conference set for 12/5/2014 at 10:15 AM before Judge Laura Taylor Swain. (Signed by Judge Laura Taylor Swain on 9/8/2014) (ajs) (Entered: 09/09/2014)
09/09/2014	<u>21</u>	ORDER: ORDERED, that the plaintiffs may make a motion for a default judgment; and it is further ORDERED, that the plaintiffs' motion must be accompanied by evidence, in admissible form, of such facts as it would have proffered to meet its burden of proof on its direct case had a trial been held in this action; and it is further ORDERED, that such motion for default judgment must be served on the defendant and must be accompanied by copies of the Clerk's Certificate and of proof of service of the summons and complaint and the motion for default judgment as provided by the undersigned's Individual Practices Rules; and it is further ORDERED, that said motion shall be briefed in accordance with the schedule set forth in Local Civil Rule 6.1 and will be taken on submission unless otherwise directed by the Court; and it is further ORDERED, that plaintiffs must serve a copy of this Order on defendant and file proof of such service within fourteen (14) days from the date hereof. (Signed by Judge Laura Taylor Swain on 9/08/2014) (ama) (Entered: 09/09/2014)
09/11/2014	<u>22</u>	LETTER addressed to Judge Laura Taylor Swain from Michelle Tanney, Esq. dated September 11, 2014 re: Service of Judge Swain's Order. Document filed by Sadis & Goldberg, LLP.(Tanney, Michelle) (Entered: 09/11/2014)
09/11/2014	<u>23</u>	CERTIFICATE OF SERVICE of Judge Swain's Order dated September 8, 2014 served on Sumanta Banerjee on September 11, 2014. Service was made by Email and Federal Express. Document filed by Sadis & Goldberg, LLP. (Tanney, Michelle) (Entered: 09/11/2014)
11/07/2014	<u>24</u>	

		REQUEST TO ENTER DEFAULT against Sumanta Banerjee <i>with Proposed Clerk's Certificate</i> . Document filed by Sadis & Goldberg, LLP. (Attachments: # <u>1</u> Clerk's Certificate)(Tanney, Michelle) (Entered: 11/07/2014)
11/07/2014	<u>25</u>	REQUEST TO ENTER DEFAULT against Sumanta Banerjee <i>Affirmation in Support of Judgment by Default</i> . Document filed by Sadis & Goldberg, LLP. (Attachments: # <u>1</u> Exhibit A - Complaint, # <u>2</u> Exhibit B - Tracking Order, # <u>3</u> Exhibit C - Tracking Order, # <u>4</u> Exhibit D - Motion (Part 1 of 2), # <u>5</u> Exhibit D - Motion (Part 2 of 2), # <u>6</u> Exhibit E - Order, # <u>7</u> Exhibit F - Certificate of Service)(Tanney, Michelle) (Entered: 11/07/2014)
11/07/2014	<u>26</u>	CERTIFICATE OF SERVICE of Request for Default Judgment, Proposed Clerk's Certificate, Affirmation in Support and Certificate of Service served on Sumanta Banerjee on November 7, 2014. Service was made by Mail and Email. Document filed by Sadis & Goldberg, LLP. (Tanney, Michelle) (Entered: 11/07/2014)
11/07/2014	<u>27</u>	REQUEST TO ENTER DEFAULT against Sumanta Banerjee <i>and Proposed Clerk's Certificate</i> . Document filed by Sadis & Goldberg, LLP. (Attachments: # <u>1</u> Proposed Clerk's Certificate)(Tanney, Michelle) (Entered: 11/07/2014)
11/12/2014	<u>28</u>	REQUEST TO ENTER DEFAULT against Sumanta Banerjee <i>PROPOSED CLERK'S CERTIFICATE</i> . Document filed by Sadis & Goldberg, LLP.(Tanney, Michelle) (Entered: 11/12/2014)
11/12/2014	<u>29</u>	CLERK'S CERTIFICATE OF DEFAULT as to Sumanta Banerjee. (km) (Entered: 11/12/2014)
11/19/2014	<u>30</u>	ORDER: The Court has reviewed Plaintiff's request for entry of a default judgment, and denies it as deficient. In its September 9, 2014, order, the Court permitted Plaintiff to make a motion for entry of a default judgment, and directed that such motion be accompanied by admissible evidence of such facts as Plaintiff would have proffered to meet its burden of proof on its direct case had a trial been held in this action. Plaintiff's submission lacks both a proper motion as required by both the Individual Practices of the undersigned and the Local Rules of the Southern District of New York, as well as the evidence required by this Court's September 9, 2014, order. Plaintiff's request is therefore denied without prejudice to re-filing with appropriate supporting documentation. SO ORDERED. (Signed by Judge Laura Taylor Swain on 11/18/2014) (ajs) (Entered: 11/19/2014)
11/20/2014	<u>31</u>	SECOND LETTER MOTION to Adjourn Conference <i>Initial Conference Scheduled on December 5, 2014</i> addressed to Judge Laura Taylor Swain from Michelle Tanney dated November 20, 2014. Document filed by Sadis & Goldberg, LLP.(Tanney, Michelle) (Entered: 11/20/2014)
11/21/2014	<u>32</u>	ORDER granting <u>31</u> Letter Motion to Adjourn Conference. The conference is adjourned to January 23, 2015, at 9:45 AM. SO ORDERED. Initial Conference set for 1/23/2015 at 09:45 AM before Judge Laura Taylor Swain. (Signed by Judge Laura Taylor Swain on 11/21/2014) (ajs) (Entered: 11/21/2014)
01/12/2015	<u>33</u>	MOTION for Default Judgment as to <i>Defendant, Sumanta Banerjee</i> . Document filed by Sadis & Goldberg, LLP.(Tanney, Michelle) (Entered: 01/12/2015)

01/12/2015	<u>34</u>	DECLARATION of Michelle Tanney in Support re: <u>33</u> MOTION for Default Judgment as to <i>Defendant, Sumanta Banerjee</i> .. Document filed by Sadis & Goldberg, LLP. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(Tanney, Michelle) (Entered: 01/12/2015)
01/12/2015	<u>35</u>	MEMORANDUM OF LAW in Support re: <u>33</u> MOTION for Default Judgment as to <i>Defendant, Sumanta Banerjee</i> .. Document filed by Sadis & Goldberg, LLP. (Tanney, Michelle) (Entered: 01/12/2015)
01/12/2015	<u>36</u>	CERTIFICATE OF SERVICE of Motion for Default Judgment, Declaration and Memorandum of Law in Support of Motion served on Defendant, Sumanta Banerjee on January 12, 2015. Document filed by Sadis & Goldberg, LLP. (Tanney, Michelle) (Entered: 01/12/2015)
01/21/2015	<u>37</u>	LETTER addressed to Judge Laura Taylor Swain from Michelle Tanney, Esq. dated January 21, 2015 re: Plaintiff Sadis & Goldberg, LLP's request to adjourn the initial conference scheduled for January 23, 2015 at 9:45 a.m.. Document filed by Sadis & Goldberg, LLP.(Tanney, Michelle) (Entered: 01/21/2015)
01/21/2015	<u>38</u>	MEMO ENDORSEMENT on re: <u>37</u> Letter, filed by Sadis & Goldberg, LLP, re: Adjournment of conference. ENDORSEMENT: The conference is adjourned to May 1, 2015, at 10:00 AM. SO ORDERED. (Initial Conference set for 5/1/2015 at 10:00 AM before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 1/21/2015) (ajs) (Entered: 01/21/2015)
02/06/2015	<u>39</u>	ORDER granting <u>33</u> Motion for Default Judgment. The Court has reviewed Plaintiff's unopposed motion for a default judgment, as well as the evidence submitted in connection therewith. (Docket Entry Nos. 33 and 34, Exs. A-J.) The Court finds that Plaintiff has provided evidence sufficient to demonstrate its entitlement to judgment as a matter of law. The Court therefore grants Plaintiff's motion insofar as it seeks a determination of liability. The amount to be recovered by Plaintiff in this action will be determined through an inquest by affidavit. In aid of this inquest, Plaintiff shall provide the Court with affidavits attesting to the accuracy, reasonableness, necessity and pertinence of all work done pursuant to the terms of the parties' retention agreement, and all expenses incurred, for which Plaintiff seeks to recover compensation. (See Docket Entry No. 34, Ex. B.) Plaintiff must also provide to the Court evidence documenting, and affidavits attesting to the reasonableness and propriety of, any other costs, expenses or interest that it seeks to recover. Plaintiffs must file the aforementioned documentation by February 20, 2015, and must provide the Court with proof of e-mail service of all such documentation, as well as a copy of this Order, on Defendant. Any opposition from Defendant must be filed by March 13, 2015. Any reply by Plaintiff must be filed by March 20, 2015. Courtesy copies of all submissions must be provided for Chambers. SO ORDERED. (Signed by Judge Laura Taylor Swain on 2/6/2015) (ajs) (Entered: 02/09/2015)
02/18/2015	<u>40</u>	DECLARATION of Michelle Tanney, Esq. in Support re: <u>39</u> Order on Motion for Default Judgment, , , , , . Document filed by Sadis & Goldberg, LLP. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u>

		Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Tanney, Michelle) (Entered: 02/18/2015)
02/18/2015	<u>41</u>	CERTIFICATE OF SERVICE of Judge's Order Dated January 6, 2015 and Declaration of Michelle Tanney Dated February 18, 2015 served on Sumanta Banerjee on February 18, 2015. Document filed by Sadis & Goldberg, LLP. (Tanney, Michelle) (Entered: 02/18/2015)
02/19/2015	<u>42</u>	LETTER addressed to Judge Laura Taylor Swain from Michelle Tanney, Esq. dated February 19, 2015 re: Proof of service on Defendant pursuant to January 6, 2015 Order. Document filed by Sadis & Goldberg, LLP..(Attachments: # <u>1</u> Exhibit A)(Tanney, Michelle) (Entered: 02/19/2015)
04/09/2015	<u>43</u>	MEMORANDUM ORDER: For the foregoing reasons, the Court awards Plaintiff \$379,652.37 in fees associated with its prior representation of Defendant, as well as prejudgment interest, calculated at a rate of 1% per month for each invoice not paid within 30 days of receipt. The Court denies Plaintiff's request for \$106,613.50 in fees associated with motion practice in this case. Postjudgment interest shall accrue from the date of entry of judgment, at the rate prescribed by 28 U.S.C. § 1961. Plaintiff is directed to submit a proposed judgment consistent with this Memorandum Order, including a computation of prejudgment interest, through the Orders and Judgments Clerk. SO ORDERED. (See Order.) (Signed by Judge Laura Taylor Swain on 4/9/2015) (ajs) (Entered: 04/09/2015)
04/24/2015	<u>44</u>	LETTER addressed to Judge Laura Taylor Swain from Michelle Tanney, Esq. dated April 24, 2015 re: Requesting Adjournment of Initial Conference, scheduled for May 1, 2015 at 10:00 a.m.. Document filed by Sadis & Goldberg, LLP.(Tanney, Michelle) (Entered: 04/24/2015)
04/24/2015	<u>45</u>	MEMO ENDORSEMENT on re: <u>44</u> Letter filed by Sadis & Goldberg, LLP, re: Requesting Adjournment of Initial Conference, scheduled for May 1, 2015 at 10:00 a.m. ENDORSEMENT: The request is granted. SO ORDERED. (Signed by Judge Laura Taylor Swain on 4/24/2015) (ajs) (Entered: 04/24/2015)
04/28/2015	<u>46</u>	JUDGMENT in favor of Sadis & Goldberg, LLP against Sumanta Banerjee in the amount of \$ 383,448.90. It is hereby ADJUDGED that Plaintiff Sadis & Goldberg, having an address of 551 Fifth Avenue, 21st Floor, New York, NY 10176, have judgment and recover from Defendant Sumanta Banerjee, having an address of 5811 Ballygunje Circular Road, Kolkata 700019, West Bengal, India and an electronic mailing address of sbaner@gmail.com, the amount of \$383,448.90, which includes prejudgment interest at the rate of 1%, and that post judgment interest shall accrue from the date of entry of judgment, at the rate prescribed by 28 U.S.C. § 1961; and that the Plaintiff have execution thereon. SO ORDERED. (Signed by Judge Laura Taylor Swain on 4/28/2015) (ajs) (Entered: 04/28/2015)
04/20/2016	<u>47</u>	ENDORSED LETTER addressed to Judge Laura Taylor Swain from Jennifer Rossan dated 4/20/2016 re: We write to respectfully request an order permanently striking from the record a document that currently appears on the docket sheet. ENDORSEMENT: The request is granted. SO ORDERED.

		(Signed by Judge Laura Taylor Swain on 4/20/2016) (ama) (Entered: 04/20/2016)
04/20/2016		***STRICKEN DOCUMENT. Deleted document number [Exhibit G to Documnet 8 (Document 8-8), Exhibit G to Document 13 (Document 13-7)] from the case record. The document was stricken from this case pursuant to <u>47</u> Endorsed Letter, (ama) (Entered: 04/20/2016)
04/27/2016	<u>48</u>	MOTION TO SET ASIDE DEFAULT JUDGMENT & MOTION TO VACATE DEFAULT AND MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION TO SET ASIDE A DEFAULT JUDGMENT. Document filed by Sumanta Banerjee.(sc) (Entered: 05/02/2016)
07/12/2016	<u>49</u>	LETTER MOTION for Extension of Time <i>to respond to defendant's Motion to Set Aside Default Judgment and Motion to Vacate Default</i> (Dkt. No. 48) addressed to Judge Laura Taylor Swain from Jennifer Rossan dated July 12, 2016. Document filed by Sadis & Goldberg, LLP.(Rossan, Jennifer) (Entered: 07/12/2016)
07/12/2016	<u>50</u>	LETTER addressed to Judge Laura Taylor Swain from Jennifer Rossan dated July 12, 2016 re: Remove attorneys from docket as attorneys to be noticed as they have left the firm and are no longer associated with the case.. Document filed by Sadis & Goldberg, LLP.(Rossan, Jennifer) (Entered: 07/12/2016)
07/13/2016	<u>51</u>	ORDER granting <u>49</u> Letter Motion for Extension of Time. The requested extension of time is granted. DE # 49 resolved. (Signed by Judge Laura Taylor Swain on 7/12/2016) (cf) (Entered: 07/13/2016)
07/13/2016		Set/Reset Deadlines: Responses due by 7/26/2016 (cf) (Entered: 07/13/2016)
07/13/2016	<u>52</u>	ORDER: The Clerk of Court is hereby directed to mail pro se Defendant Sumanta Banerjee a copy of the Court's ProSe (Nonprisoner) Consent & Electronic Registration Form to Receive Documents Electronically, as well as one copy each of Docket Entry Numbers 48, 49 and 51. The Clerk of Court is also respectfully requested to remove attorneys Michelle Tanney and Paulina Stamatelos from the docket in the above-captioned matter. Attorney Paulina Stamatelos and Michelle Nicole Tanney terminated. (Signed by Judge Laura Taylor Swain on 7/13/2016) (cf) (Entered: 07/13/2016)
07/13/2016		Transmission to Docket Assistant Clerk. Transmitted re: <u>52</u> Order to the Docket Assistant Clerk for case processing. (cf) (Entered: 07/13/2016)
07/13/2016		Mailed a copy of <u>49</u> LETTER MOTION for Extension of Time <i>to respond to defendant's Motion to Set Aside Default Judgment and Motion to Vacate Default</i> (Dkt. No. 48) addressed to Judge Laura Taylor Swain from Jennifer Rossan dated July 12, 2016., <u>51</u> Order on Motion for Extension of Time, <u>48</u> MOTION to Set Aside Judgment., <u>52</u> Order and the (Nonprisoner) Consent & Electronic Registration Form, to Sumanta Banerjee. (vj) (Entered: 07/13/2016)
07/15/2016	<u>53</u>	(Response)MOTION TO OPPOSE REQUEST FOR ADDITIONAL TIME FILED ON 7/12/16. re: <u>49</u> LETTER MOTION for Extension of Time <i>to respond to defendant's Motion to Set Aside Default Judgment and Motion to Vacate Default</i> (Dkt. No. 48) addressed to Judge Laura Taylor Swain from

		Jennifer Rossan dated July 12, 2016. Document filed by Sumanta Banerjee. (sc) (Entered: 07/19/2016)
07/21/2016	<u>54</u>	MEMO ENDORSEMENT on MOTION TO OPPOSE REQUEST FOR ADDITIONAL TIME FILED ON JULY 12, 2016 re: <u>53</u> Response, filed by Sumanta Banerjee. ENDORSEMENT: The extension has been granted. (Signed by Judge Laura Taylor Swain on 7/20/2016) Copies Mailed By Chambers (cf) (Entered: 07/21/2016)
07/25/2016	<u>55</u>	NOTICE OF APPEARANCE by Ben Hutman on behalf of Sadis & Goldberg, LLP. (Hutman, Ben) (Entered: 07/25/2016)
07/26/2016	<u>56</u>	MEMORANDUM OF LAW in Opposition re: <u>48</u> MOTION to Set Aside Judgment. . Document filed by Sadis & Goldberg, LLP. (Hutman, Ben) (Entered: 07/26/2016)
07/26/2016	<u>57</u>	DECLARATION of Ben Hutman in Opposition re: <u>48</u> MOTION to Set Aside Judgment.. Document filed by Sadis & Goldberg, LLP. (Attachments: # <u>1</u> Exhibit Ex. 1 - 2 to Hutman Declaration, # <u>2</u> Exhibit Ex. 3 - 16 to Hutman Declaration, # <u>3</u> Exhibit Ex. 17 - 24 to Hutman Declaration)(Hutman, Ben) (Entered: 07/26/2016)
07/26/2016	<u>58</u>	CERTIFICATE OF SERVICE of Memorandum of Law and Declaration in Opposition to Motion Docket #48 served on Sumanta Banerjee on July 26, 2016. Service was made by Electronic Mail & Federal Express. Document filed by Sadis & Goldberg, LLP. (Hutman, Ben) (Entered: 07/26/2016)
07/27/2016	<u>59</u>	LETTER addressed to Judge Laura Taylor Swain from Ben Hutman dated 7/27/2016 re: Removal of Unredacted Exhibit and Replacement with Redacted Version. Document filed by Sadis & Goldberg, LLP.(Hutman, Ben) (Entered: 07/27/2016)
07/28/2016	<u>61</u>	LETTER from Sumanta Banerjee dated 7/27/16 re: Defendant requests that the Court grant grant him/her the additional time, until 8/9/16, to file a response to the Plaintiff's motion. Document filed by Sumanta Banerjee.(sc) (Entered: 07/29/2016)
07/29/2016	<u>60</u>	MEMO ENDORSEMENT on re: <u>59</u> Letter filed by Sadis & Goldberg, LLP. ENDORSEMENT: SO ORDERED. (Signed by Judge Laura Taylor Swain on 7/28/2016) (cf) (Entered: 07/29/2016)
08/01/2016	<u>62</u>	NOTICE OF CHANGE OF ADDRESS by Ben Hutman on behalf of Sadis & Goldberg, LLP. New Address: Sadis & Goldberg LLP, 551 Fifth Avenue, 21st Floor, New York, New York, 10176, 212-947-3793. (Hutman, Ben) (Entered: 08/01/2016)
08/01/2016	<u>63</u>	REDACTION to <u>57</u> Declaration in Opposition to Motion, # <u>2</u> Exhibits 3 - 16 to Declaration of Ben Hutman as ordered per docket entry # <u>60</u> by Sadis & Goldberg, LLP(Hutman, Ben) (Entered: 08/01/2016)
08/02/2016	<u>64</u>	MEMO ENDORSEMENT on re: <u>61</u> Letter filed by Sumanta Banerjee. ENDORSEMENT: The requested extension is granted. (Responses due by 8/9/2016) (Signed by Judge Laura Taylor Swain on 8/1/2016) (cf) (Entered: 08/02/2016)

08/10/2016	<u>65</u>	DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION IN OPPOSITION OF VACATING OR SETTING ASIDE DEFAULT; re: <u>57</u> Declaration in Opposition to Motion. Document filed by Sumanta Banerjee. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(sc) (Entered: 08/11/2016)
08/12/2016	<u>66</u>	LETTER MOTION for Leave to File Sur-Reply addressed to Judge Laura Taylor Swain from Sadis & Goldberg LLP dated August 12, 2016. Document filed by Sadis & Goldberg, LLP. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Hutman, Ben) (Entered: 08/12/2016)
08/15/2016	<u>67</u>	ORDER granting <u>66</u> Letter Motion for Leave to File Document. The request for leave to file a short sur-reply memorandum is granted. DE #66 resolved.. (Signed by Judge Laura Taylor Swain on 8/15/2016) (tro) (Entered: 08/15/2016)

PACER Service Center			
Transaction Receipt			
08/16/2016 15:31:03			
PACER Login:	akshita01:4969883:0	Client Code:	
Description:	Docket Report	Search Criteria:	1:14-cv-00913-LTS
Billable Pages:	8	Cost:	0.80

EXHIBIT 2

CLOSED

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:12-cv-11643-LTS**

Tuckerbrook Alternative Investments, LP, v. Banerjee
Assigned to: District Judge Leo T. Sorokin
Demand: \$75,000
Cause: 28:1330 Breach of Contract

Date Filed: 09/04/2012
Date Terminated: 06/01/2015
Jury Demand: Both
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Tuckerbrook Alternative Investments, LP

represented by **Sean T. Carnathan**
O'Connor, Carnathan and Mack LLC
Landmark One
1 Van de Graaff Drive
Suite 104
Burlington, MA 01803
781-359-9002
Fax: 781-359-9001
Email: scarnathan@ocmlaw.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Sumanta Banerjee

represented by **Sumanta Banerjee**
→ 58/1 Ballygunje Circular Rd
→ Kolkata, West Bengal 700019
→ India
→ Email: Gandhibanerjee@gmail.com
PRO SE

Counter Claimant

Sumanta Banerjee

represented by **Sumanta Banerjee**
58/1 Ballygunje Circular Rd
Kolkata, West Bengal 700019
India
PRO SE

V.

Counter Defendant

represented by

